

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JASON WILSON,)
Plaintiff,)
v.) Case No.
STELLAR RECOVERY, INC.,) JURY TRIAL DEMANDED
Defendants.)

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF MISSOURI:

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and 47 U.S.C. § 227 and 15 U.S.C. § 1692, Defendant Stellar Recovery, Inc., hereby gives notice of removal of this cause of action, under the caption *Jason Wilson v. Stellar Recovery, Inc.*, from the Twenty-Third Judicial Circuit Court, Jefferson County, Missouri ("State Court Action") to the United States District Court for the Eastern District of Missouri. In support of removal, Defendant Stellar Recovery, Inc. ("Defendant"), by and through its attorneys, states as follows:

1. On or about July 21, 2014, Defendant received a copy of Plaintiff's Complaint. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto as **Exhibit A**.

2. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days after Defendant's receipt of the Complaint.

3. Plaintiff's Complaint purports to set forth a cause of action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

4. Plaintiff seeks actual damages, statutory damages, costs, and attorneys' fees.

5. Defendant disputes and denies the allegations in Plaintiff's Complaint. Nonetheless, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(b) because it presents a federal question and this Court has original federal question jurisdiction as set forth in 28 U.S.C. § 1331.

6. Concurrent with the filing of this Notice of Removal, written notice of its filing is being served pursuant to 28 U.S.C. § 1446(d) upon Plaintiff's counsel, and a true and accurate copy of this Notice of Removal is also being filed with the Clerk of the Twenty-Third Judicial Circuit Court, Jefferson County, Missouri as required.

7. By filing this Notice of Removal, Defendant does not make any admission of fact, law or liability, and expressly reserves all defenses and motions otherwise available to it.

WHEREFORE, Defendant requests that further proceedings in the Twenty-Third Judicial Circuit Court, Jefferson County, Missouri be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Missouri, which will then assume full jurisdiction over this cause of action.

Respectfully submitted,

BERMAN & RABIN, P.A.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was mailed this 19th day of August, 2014, first class postage prepaid to:

Richard A. Voytas
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Voytas & Company
1 N Taylor Avenue
St. Louis, MO 63108
Attorneys for Plaintiff

/s/ Rachel B. Ommerman

Attorney for Defendant